

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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WALTER WENGER,

Plaintiff,

-v-

5:14-CV-885  
(DNH/TWD)

NEW YORK STATE DEPARTMENT OF  
HEALTH; MARK LANKES, Individually and as  
Director of DDSO Region 2; TODD  
PODKOWKA, Individually and as Director of  
Health Services; MATTHEW JOHNSON, RN,  
Individually and as Treatment Team Leader of  
IRA3; KAY H. ROMERO, Individually and as  
Senior Attorney for OPWDD; CHARLES  
ZELOWS, Individually and as Treatment Team  
Leader of IRA3; DAVID VIGGIANI, individually  
and as Due Process Hearing Officer; LAURIE A.  
KELLEY, Individually and as Acting Director of  
OPWDD; and KERRY A. DELANEY, Individually  
and as Acting Director of OPWDD,

Defendants.  
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APPEARANCES:

OF COUNSEL:

WALTER WENGER  
Plaintiff pro se  
4413 Whitman Road  
Canastota, NY 13032

DAVID N. HURD  
United States District Judge

**DECISION and ORDER**

Pro se plaintiff Walter Wenger filed this civil rights action primarily on behalf of his son  
Steven Joseph Wenger, in his capacity as Steven's court appointed guardian. On April 17,

2015, the Honorable Thérèse Wiley Dancks, United States Magistrate Judge, advised by Report-Recommendation that plaintiff's complaint be dismissed without prejudice. No objections to the Report-Recommendation were filed.

Based upon a careful review of the entire file and the recommendations of the Magistrate Judge, the Report-Recommendation is accepted in whole. See 28 U.S.C. § 636(b)(1).

Therefore, it is

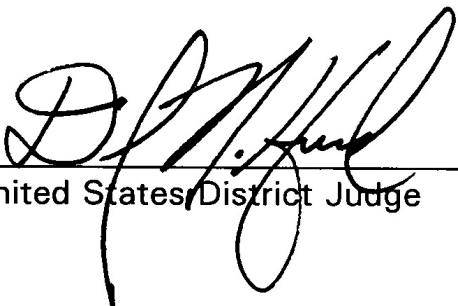
ORDERED that

1. Plaintiff's complaint is DISMISSED without prejudice; and
2. The Clerk serve a copy of this Decision and Order upon plaintiff in accordance

with the Local Rules.

IT IS SO ORDERED.

Dated: May 26, 2015  
Utica, New York.

  
United States District Judge